

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LHF PRODUCTIONS, INC.,

Plaintiff(s),

vs.

DOES 1-11,

Defendant(s).

Case No. 2:16-cv-02365-JAD-NJK

**ORDER GRANTING MOTION
FOR DISCOVERY**

(Docket No. 3)

Pending before the Court is Plaintiff's motion for leave to take limited discovery. Docket No. 3. In particular, Plaintiff submits that it is suing each of the Defendants for using the Internet to commit direct and contributory copyright infringement and, since the alleged infringement occurred over the Internet, Plaintiff knows the Defendants only by their Internet Protocol ("IP") addresses. *Id.* at 2. Plaintiff therefore seeks an order allowing it to subpoena the Doe Defendants' Internet Service Provider(s) ("ISP") for the true name, address, telephone number, e-mail address, and Media Access Control address of each Doe Defendant in order to identify these defendants 1-11. *Id.* at 6.

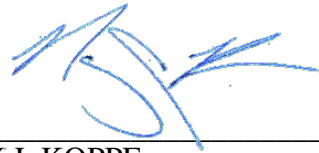
The Ninth Circuit has held that, where the identity of defendants is unknown prior to the filing of a complaint, the plaintiff should be given an opportunity through discovery to identify the unknown defendant, unless it is clear that discovery would not uncover the identities of the defendants, or that the complaint would be dismissed on other grounds. *See Wakefield v. Thompson*, 177 F.3d 1160, 1163 (9th Cir. 1999) (citing *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)).

1 Accordingly, for good cause shown, the Court **GRANTS** Plaintiff's motion, Docket No. 3.
2 Plaintiff may serve Rule 45 subpoenas upon the ISPs and any related intermediary ISPs that own
3 the IP addresses at issue in the instant case. These subpoenas will demand solely the true name,
4 address, telephone number, e-mail address, and Media Access Control address for the account holder
5 to whom the relevant IP addresses were assigned at the date(s) and time(s) that the alleged
6 infringement activity occurred. Plaintiff will use the information it obtains from the ISPs in
7 response to these subpoenas solely to prosecute the claims it has made in the instant case. Plaintiff
8 will have until November 22, 2016, to discover the actual names of the Doe Defendants through
9 discovery, and to file a request to amend the complaint to provide the actual names of the Doe
10 Defendants.

11 IT IS SO ORDERED.

12 Dated: October 12, 2016

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NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE